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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,715	08/10/2001	Johannes Petrus Verduijn	98M037	4297

7590 08/26/2003

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EXAMINER

SAMPLE, DAVID R

ART UNIT	PAPER NUMBER
1755	8

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/744,715	VERDUIJN ET AL.
	Examiner David Sample	Art Unit 1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 June 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 and 19-24 is/are rejected.

7) Claim(s) 14-18 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

Any rejections and/or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The examiner wishes to apologize for over-looking the Substitute specification and Claims when issuing the first action. The below action takes into account the substitute claims, and is therefore non-final since the rejection of the some the claims was certainly not required by amendment.

***Claim Rejections - 35 USC § 102***

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Elliott, Jr. (US Patent No. 4,164,551).

Elliott, Jr. discloses a method of making a zeolite in which a zeolite suspension is separated from its mother liquor by filtration, and subsequently washed. See col. 2, lines 10-25. The zeolite product obtained at this part in the process of Elliott, Jr. corresponds to the large particle fraction referred to in the present claims.

The mother liquor and wash water contains finely divided particles of a zeolite. Id. The finely divided zeolite product contained in the mother liquor/wash water corresponds to the smaller particle size referred to in the present claims.

The reference differs from the present claims by failing to disclose that the finely divided portion of zeolite is "suitable for use as seed crystals." However, the finely divided product of

Elliott, Jr. is formed in a manner identical to the instant process. Since, the fine zeolite product of the portion is formed in a manner identical to the present claims, it is assumed that the fine zeolite of the reference is "suitable for use as seed crystals." See MPEP 2112.

Claims 11-13, and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Verduijn et al. (WO 97/03020).

At the outset, it should be noted that claim 11 requires that seed be employed that are "obtainable" by the process of claim 1. Claim 1 implies that the seeds are of "smaller size". Thus, it appears that any zeolite of a "smaller" size may be "obtainable" from claim 1.

Verduijn et al. discloses a colloidal offretite zeolite that is employed as a seed for the formation of offretite. See the paragraph bridging pages 6 and 7.

As to claims 12 and 13, Verduijn et al. discloses employing 2 to 1002 ppm seeds in the reaction mixture. See the last paragraph of page 19 and the table on page 21.

The recitations of claims 20-24 can be found in the reference at page 31, claims 16-19.

Claim 19 is a product-by-process claim. For purposes of examination, product-by-process claims are not limited to the manipulation of the recited steps, only the structure implied by the steps. See MPEP 2113. In the present case, the recited steps imply a structure of a zeolite having a small size suitable for use as a seed. As described above, the reference discloses such a product.

***Allowable Subject Matter***

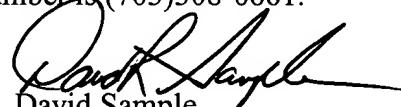
Claims 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to disclose or suggest a method of making a zeolite which employs a seed made by the process of claim 1.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Sample whose telephone number is (703)308-3825. The examiner can normally be reached on Monday to Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on (703)308-3823. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.



David Sample  
Primary Examiner  
Art Unit 1755